IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20026 of 2004

Between:

Smt. M. Kameswari, W/o Viswanadham,
R/o H.No. 9-32, Road No. 4-A, Dwarakapauram, Dilsukhnagar, Hyderabad.

... PETITIONER

AND

1 The Manager, Oriental Bank of Commerce. 25-6-40, Ganjamvari Veedhi,

Temple Street, Kakinada, E.G. District - 533 001.
2 N. Udaya Bhaskaram, S/o Gopala Krishna Murthy,
H.No. 8-21-18, Polavari Street, Gandhinagar, Kakinada E.G. District - 533001.
3 N. Bala Subrahmanyam, S/o Gopala Krishna Murthy,
H.No. 8-12-18, Polavari Street, Gandhinagar, KakinadaE.G. District - 533 001.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus directing the respondent No.1 not to conduct any auction or sale against the said property situated at D.No.
8-21-18, Poolavari Street, Kakinada, E.G. District.

Counsel for the Petitioner: MR.G.UMAPATHI SASTRY

Counsel for the Respondents 1 to 3: ---

The Court, at the admission stage, made the following:

ORDER:

Learned counsel for the petitioner is not able to substantiate whether for due discharge of the decretal amount, if any Sale Officer is appointed by the first respondent bank who is proceeding to sell the property which was mortgaged by Respondents 2 and 3 in which the petitioner is claiming a share. If any such sale is undertaken by the Sale Officer, proper remedy available for the petitioner is to file a Claim Petition before the Sale Officer as contemplated under Subrule (6) of Rule 11 of Schedule II of the Income Tax Act, which is made applicable to such sales.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

November 2, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Manager, Oriental Bank of Commerce. 25-6-40, Ganjamvari Veedhi,

Temple Street, Kakinada, E.G. District - 533 001.
2 Two C.D. Copies.